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Letter dated 20 September 2017 from the Panel of Experts on South Sudan addressed to the President of the Security Council

The members of the Panel of Experts on South Sudan, whose mandate was extended pursuant to Security Council resolution 2353 (2017), have the honour to transmit herewith the Panel's 120-day report, which was submitted in accordance with paragraph 2 of resolution 2353 (2017), by which the provisions of paragraph 12 (e) of resolution 2290 (2016) were renewed.

The report was provided to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan on 6 September 2017.

The Panel would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Klem **Ryan**
Coordinator
Panel of Experts on South Sudan

(*Signed*) Andrews **Atta-Asamoah**
Expert

(*Signed*) Andrei **Kolmakov**
Expert

(*Signed*) Ann **Oosterlinck**
Expert

(*Signed*) Colin **Thomas-Jensen**
Expert

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Report of the Panel of Experts on South Sudan

Summary

In line with its previous reports, the Panel of Experts on South Sudan has found that the principal threats to the people of South Sudan remain the failure of the parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan to implement the key provisions of the Agreement and the continued pursuit of a military solution to the conflict. Since the Panel's report of 13 April 2017 (S/2017/326), there has been no substantive progress in establishing security for the civilian population, owing to ongoing violence, much of it ethnic-based, and the associated nationwide humanitarian crisis. The reason for this failure is clear: in the wake of the de facto collapse of the transitional government of national unity in July 2016, there is currently no political will to implement the Agreement among those with the power to do so, nor any political will to address the destructive governance practices and historical grievances that continue to drive the conflict in South Sudan.[a] This is a failure of leadership on the part of the political and military elite of the country, with the primary responsibility for the ongoing violence resting with those in the Government, led by the President, Salva Kiir, and the First Vice-President, Taban Deng Gai.

The Panel notes that Government military offensives in recent months in Jonglei, Upper Nile and parts of Equatoria have substantially worsened the humanitarian situation for many more South Sudanese. The population faces intersecting threats of violence and insecurity, large-scale population displacement, extreme food insecurity and an escalating national economic crisis. The actions of South Sudanese leaders have done nothing to address these threats, and there is unlikely to be an improvement in the foreseeable future absent a significant change in the national and international approach to the conflict.

[a] In the present report, the terms "transitional government of national unity" and its short form, "transitional government", are used to refer to the entity described in the Agreement or the Resolution of the Conflict in the Republic of South Sudan, in which a power-sharing arrangement was envisaged, centred on the Government, the opposition led by Riek Machar and the "former detainees". The term "Government" is used to refer to the current political configuration led by Salva Kiir. That configuration does not include the opposition represented by Machar and is therefore not the entity envisaged in the Agreement. The Panel considers this to be an important distinction, since the issue of whether the Government is adhering to the arrangements envisaged in the Agreement is a significant source of the ongoing conflict. The focus of the report will, therefore, be on threats to the people of South Sudan rather than on the transitional government.

I. Background

A. Mandate

1. In its resolution 2353 (2017), in renewing the provisions of paragraph 12 (e) of its resolution 2290 (2016), the Security Council requested, among other things, that the Panel of Experts on South Sudan provide the Council with an analysis of the current security threats facing the transitional government of national unity and its need to maintain law and order in South Sudan, as well as further analysis on the role of transfers of arms and related materiel coming into South Sudan since the formation of the transitional government with respect to the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan and threats to United Nations Mission in South Sudan (UNMISS) and other United Nations and international humanitarian personnel.

B. Methodology

2. The present report was prepared on the basis of research and interviews conducted by the Panel during July and August 2017,[1] as well as a review of available documents from the Government of South Sudan, regional entities, including the Intergovernmental Authority on Development and the African Union, and international organizations working on issues pertaining to South Sudan. The report also draws on earlier work by the Panel, including previous reports to the Security Council, both public and confidential, hundreds of interviews with key stakeholders and a large body of information and evidence provided by a wide range of sources.[2]

II. Overview and structure

3. The analysis provided in the report is structured around what the Panel sees as the key threats faced by the people of South Sudan. The Panel has considered three factors in the conflict and the threats related thereto: (a) the political conflict for power, which has increasingly transitioned to ethnically based violence; (b) the continued deterioration of economic conditions and associated hardship for most South Sudanese citizens; and (c) the ongoing humanitarian crisis involving nationwide food insecurity, mass population displacement and disease epidemics.

4. The expansion of the conflict since the violent collapse of the transitional government in July 2016 has significantly increased the number and geographical spread of groups now opposing the Government. Consequently, questions have been raised regarding the degree to which the Agreement remains sufficiently inclusive or even workable.

5. The hostilities in South Sudan continue against a complex backdrop of competing regional and bilateral initiatives to resolve the conflict. These efforts suffer from several defects, including inadequate oversight, lack of enforcement and the absence of an integrated, coherent plan for peace. This lack of coherence is illustrative of conflicting interests compounded by underlying rivalries in the

[1] The Panel wishes to draw the attention of the Security Council to the fact that the members of the Panel were not appointed until 11 July 2017 (see S/2017/594) and therefore commenced work on the current mandate only in late July, thereby reducing the time available for the preparation of the present report.

[2] The Panel's methodology for its investigations, including with respect to confidential sources, has been detailed in previous reports, most recently in its report of 13 April 2017 (S/2017/326).

region. The Government has sought to exploit such divisions to limit the effective implementation of the Agreement. As a result of the lack of clear international action, the regionally led efforts to revitalize the Agreement, repair divisions within the Sudan People's Liberation Movement (SPLM), promote a credible and inclusive national dialogue and otherwise encourage discussion between the parties to the conflict have all demonstrably failed to halt the fighting.

6. A specific remit of the present report is to assess the role of arms in relation to the implementation of the Agreement. The ongoing military operations in the country, in particular the government offensive in Upper Nile in July and August 2017, indicate significant continued military expenditure. Furthermore, the countrywide violence illustrates that arms, rather than being tools that help to improve security for the people of South Sudan, continue to create suffering and instability. The Panel's investigations point to the long-term trend that weapons sold to South Sudan are invariably turned against civilians, either directly by security services and associated militias, or by armed groups and criminals with access to such weapons. Further unregulated arms transfers will only exacerbate the threat of violence for citizens. The Panel therefore maintains the position expressed in its previous reports that the effective regulation of arms in South Sudan must involve the imposition of an arms embargo by the Security Council and be enforced by regional actors.

III. Threats to the people of South Sudan

A. Political and ethnic conflict for power

7. The conflict in South Sudan is characterized by complex and dynamic interactions between disputes at the national and subnational levels. Local political rivalries at the county or state level, fuelled by disputes over land, access to resources or unaddressed injustices sometimes reaching back decades, often have their corollary at the national level, as senior political and military figures seek to exploit local divisions to mobilize support and gain political influence. The Government's dispute with the opposition led by Riek Machar, which marked the beginning of the conflict, has transformed into a multifaceted set of local clashes which have, in turn, led to a proliferation of armed groups, usually mobilized along ethnic lines.

8. Since the collapse of the transitional government, the Machar-led opposition has been weakened by three factors: (a) Machar's physical isolation in South Africa and his exclusion from political processes have affected coordination and cohesion within the opposition;[3] (b) the opposition has been unable to find sufficient logistical support to pursue significant military operations; and (c) new opposition groups, created through defections from both the Government and the opposition, have emerged to compete for local support and inclusion in national and regional political processes.[4]

9. However, the opposition's relative weakness has not led to a concomitant diminishing of the conflict. Rather than implement the Agreement or seek to negotiate political solutions from a position of relative strength, the Government has sought to further exploit its advantage in military materiel — and in the absence of external restraints — to subdue civilian populations in areas considered to be sympathetic to the opposition. Since the beginning of 2017, the Government has

[3] Panel interviews with opposition representatives in Nairobi and Addis Ababa, August 2017.

[4] An example of this fragmentation of the opposition can be seen in the defection in late July 2017 of the Sudan People's Liberation Army in Opposition commander, Lieutenant General John Kenyi Loburon, to the National Salvation Front, led by General Thomas Cirillo Swaka, which threatens conflict between opposition groups in Equatoria.

conducted large-scale offensives in Upper Nile, targeting the Agwelek forces under Johnson Olony and the Shilluk population on the west bank of the Nile River in February and March, and the predominantly Nuer territories in northern Jonglei in April. It has also maintained violent counter-insurgency operations in parts of Central and Eastern Equatoria.

10. In early July 2017, in violation of its own unilateral ceasefire, the Government launched an offensive to capture the Sudan People's Liberation Movement/Army (SPLM/A) in Opposition headquarters at Pagak, in north-eastern Upper Nile. Pagak had served as Machar's military headquarters since he fled Juba in December 2013.[5] The government offensive resulted in thousands of (predominantly Nuer) civilians fleeing into neighbouring Ethiopia.[6] On 29 August, the Minister of Defence and Veterans' Affairs, Kuol Manyang, reaffirmed the Government's stance on the fighting during a meeting of the joint operations force in Juba, during which he stated that the Government would seek to "crush" all remaining "rebels" in South Sudan after 30 days had passed, thereby apparently referring to plans for further offensive operations by government forces in the coming months.[7]

11. Military advances by the Government in parts of the country have, however, been offset by growing tensions and fighting within the fragile coalition of political and military actors supporting the President. Increasingly fractious and violent intra-tribal disputes among Dinka clans over the conduct and burden of the conflict, the distribution of power and the issue of the eventual successor to the President have all contributed to fighting in Aweil and Gogrial in recent months.

12. The removal of the Sudan People's Liberation Army (SPLA) Chief of General Staff, Paul Malong, by the President in May 2017 laid bare many of the tensions between Malong's home community of Aweil and Dinka from Warrap, the President's home area, and Bor, home to Kuol Manyang and the Minister of Information and Broadcasting, Michael Makuei.[8] Those tensions have been exacerbated by the worsening economic situation and food insecurity, which have caused significant hardship in many Dinka communities, particularly those in Aweil, and have led to discontent with the Government stemming from a perception that Dinka forces from Aweil have borne a disproportionate burden of the casualties resulting from the war.[9] In July, the President declared a state of emergency in

[5] In a telephone interview, Machar told the Panel that Pagak was only a meeting place and was "not a significant opposition base or headquarters", 8 August 2017.

[6] According to humanitarian agencies, the majority of the civilian population has now fled Pagak, Maiwut and Mathiang, as a result of the recent offensive, with many passing into Ethiopia, although only 1,600 new refugees from South Sudan were registered in Ethiopia between 15 June and 15 July. Many more have crossed the border but, according to humanitarian agencies, are avoiding registering as refugees, fearing that they may be relocated to camps away from Gambela. As at the time of writing of the present report, control of Pagak remains contested, with the Sudan People's Liberation Movement/Army in Opposition claiming to have launched a counteroffensive.

[7] This account was provided to international organizations by meeting attendees and also reported in the South Sudanese media, and was confirmed by the Minister in a meeting with the Panel in Juba on 12 September 2017.

[8] Panel interviews conducted in Juba in May 2017 and in Nairobi, Kampala and Addis Ababa in July and August 2017.

[9] Confidential report based on interviews conducted in Aweil by an international researcher, on file with the Panel. In February 2017, according to the Integrated Food Security Phase Classification for Northern Bahr el-Ghazal, out of an overall population of about 1,400,000, some 560,000 people were estimated to be in crisis (phase 3) and 180,000 in emergency (phase 4). In June 2017, those estimates were updated to 640,000 in crisis and 310,000 in emergency. For comparative and up-to-date figures on the food insecurity situation in South Sudan, see the full analysis report from January 2017, available from www.ipcinfo.org/ipcinfo-detail-forms/ipcinfo-map-detail/en/c/471270/, and the global alert from June 2017, available from www.ipcinfo.org/ipcinfo-detail-forms/ipcinfo-news-detail/en/c/897072.

Gogrial and Aweil East, as well as in Tonj and Wau, all four areas having been affected by the intra-Dinka violence.[10] As at the end of August, fighting between Dinka groups in the vicinity of Aweil was ongoing.[11]

13. Divisions within the government coalition are also evident in the conflict between the Bor Dinka and neighbouring Murle in Jonglei. The long-standing cycle of violent raids and reprisals between the communities worsened substantially in 2017, as government-armed militias from Bor (see section V. below on weapons) conducted large-scale attacks into Murle areas, specifically targeting civilian locations. Those attacks have effectively ended the peace agreement signed in May 2014 between the Government and the Murle opposition led by David Yau Yau, with Murle community forces increasingly aligning with the armed opposition, including the National Salvation Front of Thomas Cirillo Swaka.[12]

B. Deterioration of economic conditions

14. The economic situation in South Sudan has grown worse during 2017 as government revenues have fallen further, while expenditure on the armed forces has remained the government's priority.[13]

15. The majority of people in South Sudan are not a part of the formal economy, existing rather on subsistence or barter, with few financial links to the central Government. However, for the members of the urban population who do depend on the formal economy, the already-limited financial resources available have become ever scarcer as the war has persisted. Inflation is estimated to have exceeded 360 per cent by the end of June 2017,[14] severely affecting the ability of many people to buy staple foods. A kilogram of sorghum in Juba in May was selling for 88.57 South Sudanese pounds, representing a rise of more than 300 per cent since the previous year. Similarly, in Aweil and Wau, the price was over 200 per cent higher than it was at the same time in 2016.[15]

16. Part of that increase is attributable to the rapid loss in value of the South Sudanese pound affecting food importation. The exchange rate in Juba in early August 2017 was in the range of 160-180 South Sudanese pounds to the dollar. In December 2013, the rate was 4 to 1. The rapid devaluation exacerbates the Government's revenue shortfall, which, among other things, has affected its ability to pay salaries. Many civil servants have not been paid during the three months prior to the time of writing,[16] and in some cases, including for many embassy

[10] Nabeel Biajo and Waakhe Simon Wudu, "South Sudan declares state of emergency in four states", Voice of America News, 8 July 2017. Available from www.voanews.com/a/south-sudan-declares-state-of-emergency-in-four-states/3949486.html.

[11] Radio Tamazuj, "Government troops say repulsed rebel attack in Aweil East", 30 August 2017. Available from https://radiotamazuj.org/en/news/article/government-troops-says-repulsed-rebel-attack-in-aweil-east.

[12] Interviews with three high-level confidential sources having direct knowledge of the issue, Juba, May 2017, and Addis Ababa, August 2017.

[13] Agence France Presse, "War-torn South Sudan passes budget despite lacking funds", News24, August 30, 2017. Available from www.news24.com/Africa/News/war-torn-south-sudan-passes-budget-despite-lacking-funds-20170829.

[14] Trading Economics, "South Sudan inflation rate 2008-2017". Available from https://tradingeconomics.com/south-sudan/inflation-cpi.

[15] Famine Early Warning Systems Network, "South Sudan food security outlook: June 2017 to January 2018", July 2017. Available from http://www.fews.net/sites/default/files/documents/reports/SOUTH%20SUDAN%20Food%20Security%20Outlook_06302017.pdf.

[16] Radio Tamazuj, "South Sudan government admits difficulty in paying civil servants", 7 July 2017. Available from https://radiotamazuj.org/en/news/article/south-sudan-government-admits-difficulty-in-paying-civil-servants.

officials, the wait has been much longer.[17] The Government has repeatedly approached donors for assistance so that it can pay salaries, but has increasingly struggled to find external financial support as the war has continued. According to one diplomatic source who spoke with the Panel, such efforts have included a request in recent weeks for donors to pay military salaries.[18]

17. In response to insufficient revenues, the Government is considering cutting costs by removing fuel subsidies to Nile Petroleum Corporation for the importation of fuel for domestic consumption. Lifting the oil subsidies would save the Government an estimated $183 million annually.[19] The short-term impact, however, would likely be a rapid increase in transport costs, further affecting food prices.

18. The Government has responded to its fiscal shortfall by attempting to raise oil production and attracting additional foreign investment in the oil and natural resource sectors. However, those efforts have met with limited success. Current oil production is estimated at 130,000 barrels per day, approximately 37 per cent of the pre-conflict level. The Ministry of Petroleum declared its short-term objective to boost the output to 200,000 barrels per day by the end of 2017, including the drilling of 30 new wells.[20] However, those figures will be difficult to achieve given the ongoing insecurity in the oil-producing regions of Upper Nile, Unity and Northern Liech.[21]

19. Insecurity along the main supply routes from Uganda has also negatively affected supplies to Juba and contributed to price increases. Various groups opposed to the Government are believed to be responsible for some of these attacks, in particular along the critical Juba-Nimule road, through which they are seeking to pressure the Government by threatening the capital's key supply line.[22] In response, the Government has sought support from Uganda (and latterly UNMISS) in securing the roads that supply Juba.[23]

20. Commercial services have also been adversely affected by the withdrawal of formal banking services in many locations. Since the start of 2017, Kenya Commercial Bank has closed five branches in the country after sustaining losses for 2016 amounting to 2.8 billion South Sudanese pounds.[24] Similarly, Equity Bank Group confirmed the closure of 7 of its 12 branches in South Sudan after the devaluation of the South Sudanese pound resulted in the bank writing off

[17] Interview with a source from the United Nations Mission in South Sudan (UNMISS), 1 August 2017, and communication with diplomatic officials in New York, July 2017.

[18] Interview with a diplomatic official, Addis Ababa, August 2017.

[19] Jale Richard, "Fuel subsidies to be lifted in 2017-2018 budget", Gurtong, 8 July 2017. Available from www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/20671/Fuel-Subsidies-To-Be-Lifted-In-2017-2018-Budget.aspx.

[20] Reuters, "South Sudan boosts oil output, targets 350,000 bpd peak by mid-2018", Citizen Digital, 5 June 2017. Available from https://citizentv.co.ke/business/south-sudan-boosts-oil-output-targets-350000-bpd-peak-by-mid-2018-167490.

[21] Sudan Tribune, "South Sudan army says foiled attack on Upper Nile oilfields", 23 July 2017. Available from www.sudantribune.com/spip.php?iframe&page=imprimable2&id_article=63064.

[22] Radio Tamazuj, "SPLA-IO claims responsibility for convoy attack on Juba-Nimule road", 9 June 2017. Available from https://radiotamazuj.org/en/news/article/south-sudan-rebels-claim-responsibility-for-convoy-attack-on-juba-nimule-road.

[23] Joint communiqué between Uganda police and South Sudan police, available from www.upf.go.ug/joint-communique-uganda-police-s-sudan-police; and UNMISS, "Press conference on arrival of regional protection forces into Juba, South Sudan", 8 August, 2017, available from https://unmiss.unmissions.org/press-conference-arrival-regional-protection-forces-juba-south-sudan.

[24] Reuters, "KCB closes South Sudan outlets, cites hyperinflation", *Star*, 13 May 2017. Available from www.the-star.co.ke/news/2017/05/13/kcb-closes-south-sudan-outlets-cites-hyperinflation_c1560178.

$58.14 million of debt in 2016.[25] The departure of foreign banks from South Sudan further restricts opportunities for new loans and investment in the economy.

C. Humanitarian crisis

21. Ongoing ethnic violence throughout the country remains an overwhelming threat to the South Sudanese population. Civilians continue to be subjected to extrajudicial killings, arbitrary arrest and detention, enforced disappearance, sexual violence, forced recruitment, forced displacement, restricted freedom of movement, harassment and the destruction of livelihoods by all parties to the conflict.[26] As a consequence, the population faces several intersecting and mutually compounding threats.

Forced population displacement

22. Approximately 1 in 3 South Sudanese had been displaced from their homes as at the time of reporting, compared to 1 in 12 during the first year of the crisis.[27] As at 31 July 2017, some 2 million had been internally displaced, and approximately 2 million more had fled the country. Uganda hosts around 1 million of those who have fled, with approximately 250,000 of those having arrived since February 2017.[28]

23. In Upper Nile, as documented in previous Panel reports (see S/2016/70 and S/2017/326), the Government has launched repeated attacks on the west bank of the Nile since 2015. Such offensives have forced the vast majority of the Shilluk population into the UNMISS site for the protection of civilians in Malakal or across the border into the Sudan. Humanitarian agencies estimate that there are currently fewer than 17,000 Shilluk left in Upper Nile outside of the Malakal site, concentrated mainly in camps for internally displaced persons in and around Aburoc. This depopulation has occurred with the full knowledge of the President, Cabinet ministers and senior military officers and has been a clearly foreseeable consequence of the Government's military operations.[29]

[25] Reuters, "Equity Bank closes seven branches in war-torn South Sudan", *Star*, 24 May 2017. Available from www.the-star.co.ke/news/2017/05/24/equity-bank-closes-seven-branches-in-war-torn-south-sudan_c1567328.

[26] Panel interviews with humanitarian workers and United Nations staff in New York in July 2017, and in Nairobi and Kampala and by telephone in August 2017.

[27] International Organization for Migration, "IOM responds as rainy season threatens further spread of cholera in South Sudan", 8 August 2017. Available from https://southsudan.iom.int/media-and-reports/press-release/iom-responds-rainy-season-threatens-further-spread-cholera-south.

[28] For the most up-to-date figures, see the Office of the United Nations High Commissioner for Refugees regional and operational updates on the situation in South Sudan, available from http://data.unhcr.org/SouthSudan/regional.php.

[29] In a meeting in Juba on 5 May between the Panel Coordinator, the President and the Minister of Information and Broadcasting, Michael Makuei, during a discussion of the population displacement affecting the Shilluk in Upper Nile, Makuei stated that the internally displaced persons in Wau Shilluk "are not civilians, they are rebels". There was no indication during the meeting, from either Makuei or the President, that they viewed the situation on the west bank in Upper Nile as concerning or as a priority for the Government in terms of humanitarian operations. The Panel has also received confidential information from Western intelligence sources that supports the view that the displacement of Shilluk is a military strategy.

Severe food insecurity

24. Despite a large-scale humanitarian response in 2017, severe food insecurity has continued to rise at rates faster than projected.[30] By July, 6 million people in South Sudan, representing at least half of the country's estimated population, were assessed to be severely food-insecure, including 1.7 million people on the brink of famine.[31] In particular, the Panel notes the repeated government offensives in southern Unity that have prevented the civilian population from growing sufficient crops, tending livestock or receiving sustained, adequate food aid (see S/2017/326).

Disease

25. Repeated displacement, food insecurity and the lack of sustained access to services, coupled with the rainy season, have led to the deadliest cholera outbreak since independence,[32] as well as outbreaks of malaria, measles and other waterborne and infectious diseases in several locations. Otherwise-treatable diseases are now killing or incapacitating large numbers of South Sudanese.[33]

Access restrictions

26. All parties to the conflict continue to regularly impede humanitarian access. There was an increase in recorded impediment incidents, from 89 in May to 100 in June and 136 in July, the highest number reported to date in 2017.[34] Most reported access incidents arose from restriction or denial of movement or from threats against staff members, forcing them to be evacuated.[35]

Attacks against aid workers

27. As of July, at least 17 aid workers had been killed in 2017, with a total of 84 reported killed since December 2013.[36]

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[30] See the Integrated Food Security Phase Classification projections for January-July 2017 with regard to South Sudan, available from www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_South_Sudan_Key%20Messages_Feb2017.pdf.

[31] Food and Agriculture Organization of the United Nations, "South Sudan situation report", 18 July 2017. Available from http://www.fao.org/fileadmin/user_upload/emergencies/docs/FAOSouthSudanSituationReport_18July2017.pdf.

[32] Office for the Coordination of Humanitarian Affairs, "Humanitarian bulletin: South Sudan", No. 12, 28 July 2017. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/SS_170728_OCHA_SouthSudan_Humanitarian_Bulletin12.pdf.

[33] World Health Organization, "South Sudan Health Cluster bulletin", No. 6, 30 June 2017. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/Health-Cluster-Bulletin-1-to-30-June-2017.pdf.

[34] Office for the Coordination of Humanitarian Affairs, "South Sudan: humanitarian access situation snapshot", May 2017, June 2017 and July 2017. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/ss_20170606_access_snapshot_may_final.pdf, http://reliefweb.int/sites/reliefweb.int/files/resources/ss_20170709_access_snapshot_june.pdf and http://reliefweb.int/sites/reliefweb.int/files/resources/SS_20170808_Access_Snapshot_July_final.pdf, respectively.

[35] For example, on 30 June and 3 July 2017, UNMISS received letters from the Bor Community Youth Association demanding that all Equatorians working for United Nations agencies and non-governmental organizations leave Bor within 72 hours, or action would be taken. UNMISS decided to provide temporary accommodation within its base in Bor for Equatorian staff members who felt unsafe to return to their homes. From United Nations internal reports seen by the Panel.

[36] United Nations Children's Fund, "South Sudan humanitarian situation report", No. 111, 20 July 2017. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20South%20Sudan%20Mid-Year%20Humanitarian%20SitRep%20%28%23111%29%20-%2020%20July%202017.pdf.

28. Following interviews conducted with humanitarian organizations operating in affected areas, the Panel finds that government forces perpetrate the majority of such abuses by targeting civilians on the basis of their perceived association with opposition groups, which is often linked to their ethnicity.[37]

IV. Regional developments

29. The humanitarian, security and economic fallout from the conflict continues to adversely affect neighbouring States. However, those effects are yet to result in unified and sustained action from the States members of the Intergovernmental Authority on Development (IGAD) towards a coherent political process backed by genuine pressure on the parties. Renewed regional efforts to end the conflict led, in July 2017, to the creation of a high-level revitalization forum for parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan and what were termed "estranged groups" to discuss how to restore a permanent ceasefire, fully implement the Agreement and develop timelines for elections at the end of the transition.[38] At the same time, the President of Uganda, Yoweri Museveni, reportedly at the request of Salva Kiir,[39] has embarked on a bilateral effort to resuscitate the Arusha process of 2015, which sought the reunification of SPLM. On 20 July, he met Kiir in Kampala and facilitated meetings between members of the former detainees, SPLA in Opposition (Taban faction) and SPLM in Government. A third process, led by Kenya, is seeking to bring together South Sudanese opposition groups.[40]

30. Collectively, those processes reflect the region's continued recognition of the need to end the war, but weaknesses are evident in their approaches. The proliferation of diplomatic efforts has created an opportunity for the parties to "forum shop", whereby they engage selectively in various processes while buying time for military operations and avoid attempts to enforce a political settlement to the conflict. Furthermore, the effort by the high-level revitalization forum to address the lack of inclusiveness in the revitalization process did not provide a clear definition of what constitutes an estranged group, which is a prerequisite to expanding the process to those currently excluded from the Agreement on the Resolution of the Conflict.[41] Some opposition groups have also argued that the region's continued exclusion of Riek Machar, with the support of the United States of America, is counterproductive and undermines the need for neutral engagement with the parties to the conflict by countries in the region, including South Africa.[42]

31. Even though the security situation in South Sudan continues to deteriorate and fighting persists in many parts of the country, creating enormous disruption, the

[37] Panel interviews with humanitarian organizations and United Nations personnel in New York in July 2017, and in Nairobi and Kampala and by telephone in August 2017.

[38] Intergovernmental Authority on Development, "Communiqué of the 57th extraordinary session of the IGAD Council of Ministers on South Sudan", 2 July 2017. Available from https://igad.int/communique/1586-communique-of-the-57th-extra-ordinary-session-of-the-igad-council-of-ministers.

[39] Interview with members of opposition groups involved in the Kampala process, Nairobi, 23 July 2017.

[40] Panel discussions with South Sudanese opposition groups, July and August 2017.

[41] These were among the key points made by many participants at a gathering of South Sudanese experts, facilitated by the Intergovernmental Authority on Development, held in Ethiopia in August 2017. According to some of those present, many of the participants also voiced strong criticisms of the Authority's handling of the conflict.

[42] Interviews with various South Sudanese opposition groups, July and August 2017; and a telephone interview with Machar, in which he described his status in South Africa as being in "detention", 8 August 2017.

region has made the development of a timeline for elections, in line with the provisions of the Agreement on the Resolution of the Conflict, one of the key objectives of the revitalization forum.[43] The plan for national elections in 2018 has also been promoted by the Government. However, it is clear from the threats currently facing the population, coupled with the fact that more than a third has been displaced by the war, that elections would likely be viewed by a significant portion as illegitimate. Without improvements in security, greater transparency, genuine political reforms, the establishment of effective accountability mechanisms and political inclusion, elections pose a significant threat of further violence.[44]

32. Since the signing, in 2015, of the Agreement on the Resolution of the Conflict in South Sudan, the international community has not been able to generate the leverage necessary to support the political reform and reconciliation process in South Sudan. Each IGAD member is dealing with significant national challenges that, coupled with long-standing and complex regional rivalries, continue to undermine consensus on South Sudan. More broadly, the leadership of the United States and other nations that previously exerted leverage in the region has also waned considerably in 2017. Consequently, without a significant shift towards a more coherent and unified approach by Authority members, alongside broader international support for a single and inclusive political process, current efforts are unlikely to lead to the implementation of the Agreement or to halt the violence in South Sudan.

V. Weapons

A. Upper Nile

33. The ongoing government offensives in Upper Nile and threats of future offensives made by the Minister of Defence and Veterans' Affairs, as noted in paragraphs 9, 10 and 23 above, are strong indications of continued weapons procurement by the Government. The Panel has not had access to Pagak during its current mandate to inspect weapons or military vehicles in the area, but has reviewed photographs of vehicles used during recent operations. The Panel notes that the armoured vehicles used by government forces in Upper Nile (see figure I) strongly resemble vehicles allegedly captured by Sudanese forces during operations in Darfur in June 2017 (see figure II). Investigations are continuing into the manufacturer (which is likely to be the same for both of the vehicles pictured) and supplier of the vehicles, with a view to establishing whether they came from the same source.

[43] The Agreement states that the National Election Commission shall organize elections for President, the National Assembly, state governors and state assemblies 60 days prior to the end of the transition period and shall ensure that the outcome is broadly reflective of the will of the electorate (see S/2015/654, paragraph 16.5).

[44] The Panel shares the assessment expressed by the Special Envoy of the Secretary-General for the Sudan and South Sudan, in his statement to the Security Council on 24 August 2017, that "the prevailing insecurity, internal and external population displacement, the lack of appropriate institutions or a reasonably level political playing field, in an increasingly divided ethnic environment, militate against organizing credible elections within the year. Indeed, it may well contribute to deepening and extending the conflict" (S/PV.8030).

Figure I
Armoured vehicle, Upper Nile, near Maiwut, July 2017

Source: Confidential.

Figure II
Armoured vehicle, Khartoum, August 2017

Source: Panel of Experts on the Sudan.

B. Opposition procurement

34. In line with the findings reported in the Panel's earlier reports, access to arms by opposition forces remains limited; there is no evidence that any opposition group has been able to procure significant external sources of weapons and ammunition. The weapons and ammunition observed in the possession of the opposition in the past year were likely obtained predominantly through battlefield capture or taken from the Government during defections. One opposition commander operating in the Equatorias told the Panel that his forces were acquiring individual weapons that were being sold by government soldiers who had not received their pay and had deserted.[45] While the Panel cannot independently corroborate this claim, the sale of government weapons in local markets had previously been reported to the Panel in

[45] Interview with high-ranking opposition officer, Addis Ababa, August 2017.

June 2016.[46] Furthermore, the Panel has received reports from arms experts in the region that there is evidence of some cross-border trade in weapons, both in and out of South Sudan, by suppliers along the borders with the Central African Republic and the Democratic Republic of the Congo, although the number of weapons traded is reportedly small.[47]

C. Diversion of weapons

35. In late April and early May 2017, a heavily armed column of Bor Dinka conducted raids into areas of Jonglei populated by Murle, affecting Gumuruk and the areas around Pibor, during which civilians were reportedly targeted and subjected to cattle raids.[48] Independent sources indicate that the column was armed with 12.7-mm heavy machine guns; 60/82-mm mortars, PKM light machine guns and some 20 to 25 vehicles, including armoured personnel carriers, trucks and pickups. According to various sources who spoke with the Panel confidentially, the weapons were supplied directly by local SPLA commanders in Bor.[49] The Panel coordinator raised the issue with the President during a meeting in May 2017. The President did not deny that weapons diversion was occurring, although the Minister of Information and Broadcasting, Michael Makuei, who is from Bor and was also present, denied the reports. According to numerous sources in the Government, the President and Makuei argued over the issue of weapons being supplied to the Bor community at a subsequent meeting of the government's Council of Ministers, held on 5 May. Additional reports received in August indicate that weapons have also been diverted by political and military leaders to communities in Gogrial, thereby fuelling the violence between rival Dinka clans.[50]

VI. Conclusion

36. Since the Panel's previous public report in April 2017, peacemaking efforts in South Sudan have continued to be undermined by the actions of the Government and the various opposition groups, resulting in ongoing fighting throughout the country. Consequently, there has been no significant progress in the implementation of the Agreement on the Resolution of the Conflict. Attempts to reverse this trend have encountered resistance from elements within the Government who continue to pursue policies that have increased restrictions on information and closed the political space for dissent. The Panel continues to view an arms embargo and the imposition of individual targeted sanctions, recommended in its previous reports (S/2015/656, S/2016/70, S/2016/963 and S/2017/326), as important tools for shifting the focus of key leaders away from military options and towards political solutions.

[46] Interview with opposition officer, Juba, June 2016.

[47] Confidential reports provided to the Panel.

[48] Panel communications with members of the communities, senior South Sudanese military officers and politicians and members of the international community with knowledge of the conflict, April and May 2017.

[49] Information provided by three independent sources with direct knowledge of the conflict in Bor.

[50] Radio Tamazuj, "Special investigation: 11 influential leaders accused of fueling Aguok-Apuk conflict in Gogrial", 21 August 2017. Available from https://radiotamazuj.org/en/news/article/11-influential-leaders-accused-of-fueling-aguok-apuk-conflict-in-gogrial-state.